

## **POLICE MOTOR VEHICLE PURSUIT POLICY**

**Policy & Procedure 7.01** rev 01/01/2020

### **I. PURPOSE**

The purpose of this policy is to establish a Police Motor Vehicle Pursuit Policy for the Newtown Police Department in accordance with the provisions of 14-283a-1 to 14-283a-4, inclusive of the Regulations of Connecticut State Agencies and section 14-283a of the Connecticut General Statutes and that such policy comports with the State of Connecticut Uniform Statewide Pursuit Policy.

### **II. POLICY**

Police pursuits of fleeing motor vehicles may present a danger to the lives of the public, officers, and those vehicle occupants involved in the pursuit. In order to create and maintain a safe environment for officers and the public alike, members of the Newtown Police Department shall abide by the procedures set forth with respect to police motor vehicle pursuits.

### **III. DEFINITIONS**

1. "Pursuit" means an attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.
2. "Authorized Emergency Vehicle" means a police vehicle equipped with operable emergency equipment, including audible siren and red or blue flashing lights, while such vehicle is being operated by a police officer.
3. "Primary Unit" means the police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.
4. "Secondary Unit" means any police vehicle operated by a police officer that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
5. "Supervisor" means a person designated by the police agency to have supervisory control over the operation of the agency's vehicles during a pursuit. Generally, within the Newtown Police Department this supervisor will be the shift sergeant(s) or in their absence the shift commander.
6. "Communications" means the central dispatch center or personnel staffing the central dispatch center of the police agency in the jurisdiction where the pursuit is occurring.
7. "Uniform Statewide Pursuit Policy" means sections 14-283-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies.

8. "Police Agency" means the Division of State Police within the Department of Public Safety, including local police officers serving in municipalities with a Resident State Trooper, or an organized municipal police department.

9. "Crime of Violence" means an offense in which physical force, the attempted use or threatened use of physical force, is used against another person(s) for the purpose of injuring, damaging or abusing another person(s), or any offense that is a felony and that involves a substantial risk that physical force against another person may be used in the course of committing the offense.

#### **IV. PROCEDURES**

##### **A. Initiation of Pursuit**

1. A police officer may only engage another vehicle in a pursuit if the officer has reasonable suspicion to believe that the driver or occupant has committed or is attempting to commit a crime of violence, or there are exigent circumstances that warrant the need to apprehend the suspect in a timely manner because of the potential for harm to the public if the apprehension does not occur. The officers must be able to articulate the exigent need to apprehend the driver or occupant because of the potential harm or risk to the public.

2. Offenses that constitute infractions, property crimes (to include stolen motor vehicles), non-violent misdemeanors and non-violent felonies shall not be justification to engage in a pursuit of another vehicle, absent articulable exigent circumstances.

3. The officer(s) involved in the pursuit and their supervisor(s) shall continuously reassess the factors listed above to determine whether the pursuit should be permitted to continue or should be terminated.

4. A pursuit shall not be undertaken, even if allowable by other provisions of this policy, unless and until the officer, based upon the information available to him/her at the time, shall make an objectively reasonable determination that the threat of imminent death or serious physical injury to the officer, the public or both, created by the pursuit is less than the immediate or potential danger to the public, should the suspect(s) or occupant(s) remain at large. A decision to engage in a pursuit shall be based upon the following:

- a. The underlying crime for which the operator or occupants are suspected of committing;
- b. whether the identity of the operator or occupants is known and apprehension by other means is possible;
- c. that the immediate danger to the public and the police officer created by the pursuit is less than the immediate danger to the public should the occupants of the pursued vehicle remain at large;
- d. location, speed, direction of other traffic, population density, type of vehicle being pursued and operator's driving behaviors;
- e. environmental factors such as, weather, time of the day, visibility;
- f. relative capability of the police vehicle(s) and the vehicle being pursued;
- g. road conditions, including surface type, wet, icy, dry roadway, typography, traffic controls
- h. the presence of other people in the police vehicle;

- i. vehicular and pedestrian traffic.

## **B. Pursuit Operations**

1. All authorized emergency vehicle operations shall be conducted in strict conformity with Sections 14-283a-1 to 14-283a-4, inclusive, of the Regulations of Connecticut State Agencies, and Section 14-283a of the Connecticut General Statutes.
2. Upon engaging in or entering into a pursuit, the pursuing police vehicle(s) shall activate appropriate warning equipment. An audible warning device shall be used during all such pursuits.
3. Upon engaging in a pursuit, the police officer shall immediately notify communications of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The police officer shall keep communications updated on the pursuit. Communications personnel shall immediately notify any available supervisor of the agency or agencies involved in such pursuit, clear the radio channel of non-emergency traffic and relay necessary information to other police officers of the involved police agency or agencies, and adjacent police agencies in whose direction the pursuit is proceeding.
4. When engaged in a pursuit, police officers shall drive with due regard for the safety of persons and property.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than three police vehicles, one of which shall be designated as the primary unit. No other personnel shall join the pursuit unless instructed to participate by a supervisor.
6. The primary unit involved in the pursuit shall become secondary when the fleeing vehicle comes under police air surveillance or when another unit has been assigned primary responsibility.

## **C. Supervisory Responsibilities**

1. When made aware of a pursuit, the appropriate supervisor shall evaluate the situation and conditions that caused the pursuit to be initiated, the need to continue the pursuit, and shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used. Such supervisor shall also have the authority to terminate the pursuit. When the agency supervisor communicates a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit.
2. A supervisory sergeant, or a shift commander in their absence, shall respond to the location where a vehicle has been stopped following a pursuit.

## **D. Pursuit Tactics**

1. Police officers not engaged in the pursuit as the primary or secondary unit shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the post prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall become the secondary unit

when a marked unit becomes available as the primary unit, and such unit shall disengage from the pursuit when another marked unit becomes available as the secondary unit.

3. The Newtown Police Department does not allow police motorcycles to be utilized during a pursuit, for any reason.
4. Once the pursued vehicle is stopped, police officers shall utilize appropriate police officer safety tactics and shall be aware of the necessity to utilize only the force the police officer reasonably believes to be necessary to take occupants into custody.
5. All intervention techniques short of deadly force shall only be used when it is possible to do so in safety and when the police officer(s) using them have received appropriate training in their use. Officers may use Stop Sticks as an intervention technique provided their use complies with the current NPD Stop Stick policy 7.12. When at all feasible, any intervention techniques should have supervisory authorization prior to utilization.

#### **E. Use of a Firearm during a Pursuit**

1. Officers shall not discharge their firearms at a moving vehicle or its occupants unless the occupants are using, or threatened the use of deadly physical force, against the officer or another person present, by means other than the vehicle.
  - a. This does not preclude exigent circumstances such as, but not limited to, where the officer reasonably believes there are no other means available to avert the threat of the vehicle, or if such vehicle is being utilized as a weapon against the officer(s), or another person, such as in a vehicle ramming attack.
  - b. No officer should intentionally position his or her body into the path of a fleeing motor vehicle, unless such action is a tactic approved by Newtown Police policy and procedure. Whenever possible, the involved officer should make an effort to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

#### **F. Inter-Jurisdictional Pursuits**

1. The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring police agency's jurisdiction. Municipal police agencies and the State Police shall notify each other whenever entering the other's jurisdiction while engaged in a pursuit.
2. A pursuit into a bordering state shall comply with the laws of both states and any applicable inter-agency agreements.
3. In all cases where a Newtown pursuit enters the jurisdiction of another police agency, or a pursuit from another jurisdiction enters Newtown, the police agency in pursuit shall be responsible for immediately notifying the police agency that they are entering. Officers from the jurisdiction that is entered shall not join the pursuit unless:
  - a. they have supervisory authorization; or
  - b. the involved pursuit unit is unable to request assistance; or
  - c. the situation demands immediate assistance.
4. The supervisors of the respective police agencies involved in the pursuit shall communicate with each other to determine the respective responsibilities of each police agency and to determine which police agency will assume primary operational control of the pursuit. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit.

5. Communications between police agencies shall be controlled by inter-agency police radio systems, if they exist, or by telephone, or by both.
6. In all cases where the pursuit enters a municipality without a regularly organized police department, notification shall be made to the State Police troop responsible for that area. Such troop shall maintain radio communications with all local police officers serving in any such municipality.
7. Agencies pursuing a vehicle into another jurisdiction must notify that jurisdiction as soon as practical and provide all available information pertinent to the pursuit, including but not limited to:
  1. The reason(s) for the pursuit, or primary offense the driver or occupant(s) are believed to have committed;
  2. Location, speed, and direction of travel;
  3. Vehicle and occupant(s) description;
  4. The number of vehicles and agencies involved in the pursuit;
  5. Whether assistance is requested/needed or not;
  6. Any other available information as to the conditions of the pursuit

The pursuing agency will notify the other jurisdiction whether or not the pursuit has been terminated or is leaving their jurisdiction. Any agency involved in the pursuit may, at its discretion, choose to terminate its involvement in a pursuit at any time. The supervisor and the police officers involved in the pursuit shall make their own determination whether their officers shall enter, continue or terminate the pursuit within their jurisdiction.

#### **G. Termination of the Pursuit**

1. The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and terminate the pursuit whenever he or she reasonably believes that the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. A pursuit may be terminated by the primary unit at any time. Once the primary unit terminates the pursuit, secondary and other vehicles shall not continue the pursuit.
3. A supervisor may order the termination of a pursuit at any time and shall order the termination of a pursuit when the potential danger to the public outweighs the need for immediate apprehension. Such decision shall be based on information known to the supervisor at the time of the pursuit.
4. A pursuit may be terminated if the identity of the occupants has been determined, immediate apprehension is not necessary to protect the public or police officers, and apprehension at a later time is feasible.
5. A pursuit may be terminated when the police officers are prevented from communicating with their supervisors, communications or other police officers.
6. A pursuit shall be terminated if the police officer(s) know or are reasonably certain, that the fleeing motor vehicle is being operated by a juvenile and the suspected offense is not a violent felony.

## **H. Other Pursuit Considerations**

1. High speed operation – A police officer in pursuit may operate their vehicle at a speed that the condition of the vehicle, existing road, traffic, environmental conditions, and the officer's driving abilities will safely permit.
2. Number of involved pursuit vehicles – No more than three police vehicles shall be actively involved in a pursuit, unless directed otherwise by a shift commander, or supervisor, however, all police officers should be alert to the progress and location of any nearby and ongoing pursuit.
3. Spacing of Vehicles – All police units in active pursuit shall space themselves at reasonable and safe distances to permit adequate braking and reaction times if any preceding vehicle stops, slows, turns, becomes disabled or collides with any vehicle or object.
4. Police officers shall operate available emergency warning lights and their vehicle siren to alert other motorists to unexpected pursuit vehicle maneuvers.
5. A police pursuit vehicle entering any intersection against traffic control signals or signs shall slow to safe speeds and be prepared to slow or stop to avoid any collision.

## **V. PURSUIT REPORTING PROCEDURES**

1. Whenever a police officer engages in a pursuit, the police officer shall file a written report as soon as possible, on the appropriate field incident report form. This report shall be reviewed by the officer's supervisor to determine if the officer's actions have comported with the pursuit policy, and any other applicable policies, as well as to detect and correct any training deficiencies.
2. The review of the pursuit shall be completed by a supervisor not involved in the pursuit. The supervisor shall complete a department review of the incident utilizing the NexGen Department Review reporting system. The reviewing supervisor shall investigate the circumstances of the pursuit, to include review of the officer(s) report(s) and any video, to determine if policy has been complied with and to detect and correct any training deficiencies. Upon completion, the pursuit review and findings shall be forwarded by the reviewing supervisor to a command-level officer for review.
3. No later than January 15<sup>th</sup> of each year, the Training Officer shall review and analyze all Department pursuits for the preceding year and shall produce a report to the Chief of Police regarding the number of pursuits, circumstances, officers involved, stop techniques, reasons for the pursuits, and any and all relevant information. This report shall contain any policy violations that were present and any training recommendations.
4. In accordance with Section 14-283a-1 to 14-283a-4, inclusive and section 14-283a of the Connecticut General Statutes, not later than January 31<sup>st</sup> of each year, the Chief of Police shall submit an annual report to the Police Officer Standards and Training Council regarding any pursuits engaged in the previous year. This report shall be completed on the standardized form developed and promulgated by POSTC, and shall include pursuits in which Newtown was the initiating agency or was acting as a secondary or back-up agency.

## **VI. VEHICLE PURSUIT TRAINING**

1. Police officers who drive police vehicles shall be given initial and biennial update training in the agency's pursuit policy and in safe driving tactics. The provisions of sections 14-283a-1 to 14-283a-4, inclusive of the Regulations of Connecticut state agencies shall be a part of the curriculum for all police basic recruit-training and re-certification programs in Connecticut.

2. Pursuit training programs shall consist of:

- a. Knowledge of applicable statutes;
- b. Court decisions impacting police pursuits;
- c. Department policy and procedures
- d. Supervisory and individual responsibilities in a police pursuit;
- e. Reporting requirements;
- f. Inter-jurisdictional considerations;
- g. Pursuit driving skills and techniques